

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY )  
AVERAGE WHOLESALE PRICE )  
LITIGATION )  
\_\_\_\_\_ )

MDL No. 1456

CIVIL ACTION: 01-CV-12257-PBS

THIS DOCUMENT RELATES TO )  
ALL CLASS ACTIONS )  
\_\_\_\_\_ )

Judge Patti B. Saris

Chief Magistrate Judge Marianne B. Bowler

**DECLARATION OF STEVE W. BERMAN IN SUPPORT OF PLAINTIFFS'  
REPLY TO SCHERING-PLOUGH GROUP'S INDIVIDUAL  
MEMORANDUM IN OPPOSITION TO CLASS CERTIFICATION**

I, Steve W. Berman, hereby declare that:

1. I am an attorney at law, licensed to practice in the State of Washington and admitted *pro hac vice* in this case. I am a member of Hagens Berman LLP, resident in its Seattle, Washington, office and am Co-Lead Counsel for the Plaintiffs in the above-captioned action.
2. This declaration is submitted in support of Plaintiffs' Reply to Schering-Plough Group's Individual Memorandum in Opposition to Class Certification.
3. Attached as Exhibit 1 is a true and correct copy of the Statement of Pamela Marrs before House Subcommittee dated December 7, 2004.
4. Attached as Exhibit 2 is a true and correct copy of an OIG draft report titled "The Impact of High Priced Generic Drugs on Medicare and Medicaid" dated July 1998. (Pertinent pages only.)

5. Attached as Exhibit 3 is a true and correct copy of the Deposition of Raeann Maxwell dated September 10, 2004. (Pertinent pages only) **(Filed Under Seal)**.
6. Attached as Exhibit 4 is a true and correct copy of the Deposition of Gregory Madsen dated August 26, 2004. (Pertinent pages only) **(Filed Under Seal)**.
7. Attached as Exhibit 5 is a true and correct copy of the Deposition of Kevin Slavik dated September 14, 2004. (Pertinent pages only) **(Filed Under Seal)**.
8. Attached as Exhibit 6 is a true and correct copy of the Deposition of Linda Monteforte dated October 8, 2004. (Pertinent pages only) **(Filed Under Seal)**.
9. Attached as Exhibit 7 is a true and correct copy of the Deposition of David Joyner dated September 23, 2004. (Pertinent pages only) **(Filed Under Seal)**.
10. Attached as Exhibit 8 is a true and correct copy of the Deposition of Michael Baca dated October 8, 2004. (Pertinent pages only) **(Filed Under Seal)**.
11. Attached as Exhibit 9 is a true and correct copy of the Deposition of Carol Sidwell dated September 17, 2004 (Pertinent pages only) **(Filed Under Seal)**.
12. Attached as Exhibit 10 is a true and correct copy of the Deposition of Matthew Gray dated October 19, 2004. (Pertinent pages only) **(Filed Under Seal)**.
13. Attached as Exhibit 11 is a true and correct copy of the Deposition of Tina Wong dated September 28, 2004. (Pertinent pages only) **(Filed Under Seal)**.
14. Attached as Exhibit 12 is a true and correct copy of the Deposition of Russel Corvese dated July 23, 2004. (Pertinent pages only) **(Filed Under Seal)**.
15. Attached as Exhibit 13 is a true and correct copy of the Deposition of Janice Friedman dated October 21, 2004. (Pertinent pages only) **(Filed Under Seal)**.
16. Attached as Exhibit 14 is a true and correct copy of the Deposition of Bridget Eber dated September 30, 2004. (Pertinent pages only) **(Filed Under Seal)**.
17. Attached as Exhibit 15 is a true and correct copy of the Deposition of Raymond S. Hartman dated October 7, 2004 and October 8, 2004. (Pertinent pages only) **(Filed Under Seal)**.

18. Attached as Exhibit 16 is a true and correct copy of the Deposition of Stephen Schondelmeyer dated October 14, 2004 and October 15, 2004. (Pertinent pages only) (**Filed Under Seal**).

Further the declarant sayeth not. I certify under penalty of perjury of the laws of the United States that the foregoing is true and correct.

Executed this 17th day of December, 2004, at Seattle, Washington.

By /s/ Steve W. Berman  
Steve W. Berman  
**HAGENS BERMAN LLP**  
1301 Fifth Avenue, Suite 2900  
Seattle, WA 98101  
Telephone: (206) 623-7292  
Facsimile: (206) 623-0594

**CERTIFICATE OF SERVICE**

I hereby certify that I, Steve W. Berman, an attorney, caused a true and correct copy of the foregoing **DECLARATION OF STEVE W. BERMAN IN SUPPORT OF PLAINTIFFS' REPLY TO SCHERING-PLOUGH GROUP'S INDIVIDUAL MEMORANDUM IN OPPOSITION TO CLASS CERTIFICATION** to be electronically filed with the Court pursuant to the December 16, 2004 Order and to be delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on December 17, 2004 a copy to Verilaw Technologies for posting and notification to all parties.

By                     /s/ Steve W. Berman                    

Steve W. Berman

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